

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

JAMES M. HOLZ,

Defendant.

4:13CR3115

MEMORANDUM AND ORDER

Counsel for defendant Holz has filed a Motion for Disclosure of Identity of Confidential Informants, (Filing No. 56), a Motion to Suppress Statements, (Filing No. 57), and a Motion to Suppress Identifications, (Filing No. 58). He has not filed supporting briefs for any of these motions and asks for additional time to file the briefs.

Pursuant to the local rules, any motion raising substantive issues of law or fact is to be accompanied by a simultaneously filed brief. The brief is reviewed by the undersigned magistrate judge as soon as time permits, and often before the government files a responsive brief, so that a hearing can promptly be scheduled if, upon reading the brief, a hearing is warranted by the issues raised. Since the government bears the burden of proof on most pretrial motions, the hearing is often set by the court before the government's brief is even filed so that witnesses can be scheduled and the matter heard as quickly as possible. Thus, while the Speedy Trial time is tolled while a pretrial motion is pending, the failure to timely file briefs supporting the defendant's motions nonetheless delays resolving pretrial motions and the case itself.

The court will grant defense counsel's request for additional time to file supporting briefs in this case, primarily because with the addition of a newly arrested defendant, the case will be delayed anyway. But counsel is cautioned that filing motions without simultaneously filed briefs cannot become his normal practice because such

motions may be summarily denied in the future. Enforcing the court's local rules on this issue protects the right to a prompt resolution on behalf of all parties, and it avoids disrupting the court's scheduling practices.

IT IS ORDERED that the defendant's briefs supporting his motions shall be filed on or before November 20, 2013.

Dated this 13th day of November, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge